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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/097,787

06/15/1998

DEBORAH W. BROWN

11-34-7-15

3328

7590

06/03/2005

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EXAMINER

HAN, QI

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/097,787

Applicant(s)

BROWN ET AL.

Examiner

Qi Han

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


RICHMOND DORVIL
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the applicant's arguments in the amendment filed on 02/07/2003, regarding request for a withdrawal of the final office action dated 10/3/2002, are not persuasive.

a. In response to applicant's arguments that "the final office action... citing a newly-introduced prior art reference" and "applicant have not had opportunity to respond" (the amendment: page 1, last paragraph to page 2, paragraph 2), it is noted that, by reviewing the persecution history of this applicant, the examiner introduced the new cited reference in the final because the applicant made a amendment for the claim(s) in response to the examiner's first non-final rejection. Therefore, the examiner's final rejection using a new cited prior art is proper.

b. In response to applicant's arguments that "the examiner has cited an old version of 35 USC section 102(e)" so as to lack the basis for the rejection (the amendment: page 2, last paragraph to page 3, paragraph 1), it appears that applicant misunderstands the requirement of 35 USC section 102(e). In deed, there is change of the law in terms of 35 USC 102 (e) for a patent application filed on or after 11/29/00. However, in this case, the US filing date of the application is before 11/29/00, so that the old version of 35 USC 102 (e) still be applicable to the rejection of the application.

c. In response to applicant's arguments that the reference (Galler et al.) "do not anticipate claim 1", "fail to disclose at least this last step of deriving the dynamic grammar", and "differs from the present invention" (the amendment: page 3, paragraph 2 to page 5, paragraph 3), the examiner respectfully disagrees with the applicant's arguments and has a different view of the prior teachings and claim interpretations. It is noted that, as stated in the claim rejection, the prior art anticipates the claimed limitations because it discloses, either explicitly or implicitly, all the limitations as claimed. For example, regarding the argued limitation of "step of deriving the dynamic grammar (amendment, page 3, last paragraph), the reference discloses 'dynamic programming alignment will produce a single name (necessarily including data elements to associate the reference)', 'the recognized name (match any one of the selected identifiers)', 'builds (derives) a grammar using ... candidates provide by the DP alignment modules', 'the data (data elements) pass through this recognizer', which properly reads on the claimed limitation. It is also noted that applicant's arguments regarding his opinion of detailed differences between the claimed invention and the reference do not prevent the prior art anticipates the claim, because the rejection is based on the broadest reasonable interpretation of the claim limitations not detailed the disclosure that does not recited in the claim (it may be disclosed in the specification). In another words, the rejection with a detailed disclosure of the prior art may properly anticipates a broad claim, even though the prior art and the application may have detailed differences in the disclosures between the specifications. In this case, the prior art's disclosure satisfies all the claimed limitations, so that the final rejection under 35 USC 102 (e) is proper.

As above reasons, the applicant's argument is not propulsive and the final rejection is sustained.